

City of Bryan Family Medical Leave Act (FMLA) FAQs

What is FMLA?

The Family Medical Leave Act (FMLA) provides eligible employees with a limited amount of unpaid, job-protected leave when the employee has a qualifying event.

What is a qualifying event?

An eligible employee may take up to twelve (12) weeks of FMLA leave for the following reasons:

- The birth of a child, or placement of a child with you for adoption or foster care;
- Your own serious health condition;
- To care for a spouse, son, daughter, or parent with a serious health condition;
- Because of a qualifying exigency arising out of the fact that your spouse, son or daughter, or parent is on active duty or called to active to duty status in support of a contingency operation as a member of the National Guard or Reserves.
- Because you are the spouse, son or daughter, parent, or next of kin of a covered service member with a serious illness or injury incurred in the line of active duty in which you may take up to twenty-six (26) weeks of family/medical leave.

Which employees are eligible?

To be eligible for FMLA you must have a qualifying event and have been employed with the City of Bryan for at least twelve (12) months, and have worked at least 1,250 hours during the twelve (12) month period immediately preceding the start of the leave. To determine eligibility for leave, the City of Bryan uses a rolling twelve (12) month period measured backwards from the date of any FMLA leave previously taken.

An eligible employee may take up to twenty-six (26) weeks of FMLA leave if you are the spouse, son or daughter, parent, or next of kin of a covered service member with a serious illness or injury.

What usually triggers FMLA?

If an employee is absent or is anticipating an absence of **more** than 3 consecutive days (or intermittent leave has been used or is needed) due to a serious health condition, the employee and/or department shall notify the Human Resources Department. The City of Bryan is required to inform the employee of their FMLA rights when made aware of the situation.

What if I do not want to take FMLA leave?

If an employee qualifies for FMLA, the law allows employers to designate qualifying absences as FMLA leave, regardless of the employee's preference. The City of Bryan has elected this course to ensure consistency in the application of FMLA.

Will I be paid while on FMLA leave?

FMLA leave is unpaid leave. However, the City of Bryan requires you to use any accrued sick, vacation or other paid leave concurrently with FMLA leave. An employee cannot choose to exhaust their paid leave prior to beginning FMLA leave.

What are my responsibilities?

You must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, you must provide notice as soon as practicable. You may be responsible for providing health care certification information as requested. You may also need to provide periodic reports during FMLA leave as to your status and intent to return. If applicable, you may be required to submit a "Return to Work" medical certification before returning to work.

Who is considered a "parent" under the FMLA?

If FMLA is used by an employee to care for a "parent" or used by an employee as the "parent" to care for a child, the "parent" is the biological, adoptive, step or foster father or mother or anyone else who undertook the parental role. "Parent" is the person who actually has day-to-day responsibility for caring for the child (or "in loco parentis"). "Parent" does not include in-laws.

Can leave be taken to care for children of any age?

No, FMLA does not cover children age 18 or over unless the child is "incapable of self-care" because of mental or physical disability that limits one or more of the "major life activities" as defined under the Americans with Disabilities Act (ADA). If you have questions regarding whether your child would be covered, please contact Human Resources.

What if I need to be gone only part-time?

You can take FMLA leave as either a single block of time (for example, three weeks of leave for surgery and recovery) or in multiple, smaller blocks of time if medically necessary (for example, occasional absences due to diabetes). You can also take leave on a part-time basis if medically necessary (for example, if after surgery you are able to return to work only four hours a day or three days a week for a period of time). Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations.

What about my health insurance and other benefits?

The City of Bryan continues to pay its share of costs related to health insurance and other benefits during your FMLA leave. You are responsible for continuing to pay your portion of any premiums during any period of unpaid FMLA leave. The City of Bryan may recover any premiums it paid for coverage for an employee who fails to return from leave for reasons other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond your control.

May I continue to work at my second job while on FMLA leave with the City of Bryan?

Under no circumstances may you engage in outside employment as defined in the "Outside or Self-Employment" policy (Chapter 8 of the Policy Manual), unless expressly authorized in writing in advance by the Executive Management Director and City Manager.

This FMLA Fact Sheet is intended only as an informational guide. It does not, nor is it intended to, provide a complete list of your rights, options, or obligations under the FMLA. If you have further questions or concerns, please contact the City of Bryan's Human Resources Department at (979) 209-5063.